

Local Government Employee-Management Relations Board E-Newsletter

2501 E. Sahara Avenue Suite 203 ▪ Las Vegas ▪ NV ▪ 89104
www.emrb.state.nv.us ▪ emrb@business.nv.gov ▪ (702) 486-4504

October 2014

Members of the Board

Philip E. Larson, Chairman

Brent C. Eckersley, Esq., Vice-Chairman

Sandra Masters, Board Member

Staff

Bruce K. Snyder, Commissioner

Yvonne V. Martinez, Board Secretary

On the Horizon

A special meeting of the Board will be held on November 6th in Las Vegas. The agenda for this meeting has already been issued. The meeting was called to interview six finalists for the position of EMRB Board Secretary, which by law is appointed by the Board. This is a result of the resignation of our current Board Secretary. Afterwards the Board will then conduct routine business and deliberate on two cases, which otherwise would have been done in its regular meeting.

The regular November meeting will be held in Las Vegas on Wednesday, the 12th through Friday, the 14th. On the first day of that meeting the Board will finish hearing the case of Jarod Barto et al. v. City of Las Vegas. This case involves a number of probationary firefighters who were non-confirmed over allegations of cheating on an exam while in the fire academy. This will be followed by Nicholas Eason v. Clark County, which involves another probationary firefighter who was non-confirmed.

Our New Regulations Are Now In Effect!!

The Legislative Commission approved our new regulations on October 24th. Foremost among the changes is a provision that authorizes the Board to order parties to a case to participate in a settlement conference upon its own motion or upon the motion of a party.

A second provision requires parties to exchange their exhibits (not exhibit lists) at least five days prior to the prehearing conference. Previously parties did not have to exchange their exhibits until later in the process. Staff will require this for any case for which a prehearing conference has not yet been set.

The regulations also eliminated the requirement that a complaint be verified and that an answer be sworn. This will eliminate the necessity of the attorney having to find someone within the local government or employee organization who can sign the particular document.

Another provision only requires that filings attach a certificate of service instead of an affidavit of service. Other changes include authorizing the Board to limit the time for oral argument, amending the deadline for the filing of a petition for rehearing so that it conforms to state law, and various changes to the procedure for declaratory orders. You can view the new regulations on our website. They were also mailed to all attorneys on our mailing list.

Inside This Issue

- 1 On the Horizon** - Learn about our upcoming meetings
- 1 Our New Regulations Are Now In Effect !!**
- 2 It's Time For Employee Orgs To File Their Annual Reports**
- 2 Did You Know?**
- 2 Upcoming Workshops -**
Read about two additional regulations workshops
- 3 In the Queue** - See the cases that are waiting to be heard by the Board
- 3 Open Forum** - Learn how to give your input!

It's Time for Employee Organizations to File Their Annual Reports

By November 30th of each year every employee organization must file an annual report with the EMRB. This report provides the EMRB with contact information for the person who is to receive official communications from our agency. It also lists all the officers and professional representatives that represent their members. It then lists the bargaining units represented by that employee organization. Just as importantly, each employee organization must also attach to the report any changes in its constitution and bylaws and also provide a copy of any collective bargaining agreement to which it is a party.

This year we have revamped the form, making it easier to read and eliminating information either no longer needed or not required by state law. Moreover, beginning this year employee organizations are not only allowed to electronically file their reports and attachments but are encouraged to do so. We will be mailing the forms to you today, October 30th.

Did you know

that 68% of the local governments have already filed their annual reports, and that many did so electronically this year? We want to thank all the local governments that filed early (they have until November 30th to file their report)! Doing so has enabled us to cross-check the information with the forms now being sent to the employee organizations. We have also heard a number of good comments on being allowed to file their reports electronically in lieu of having to mail them!

Upcoming Workshops

We just had a new set of regulations approved (see page one) and we are at it again. On December 3rd the agency will be holding two workshops. The first set of proposed regulations would make the following changes:

- When filing any document with the agency we would only need the original. We would no longer require that four additional copies be filed.
- In lieu of mailing or personally dropping off a document for filing, persons would now be allowed to electronically file the document by submitting a pdf attachment to an e-mail. The document would be file-stamped and the file-stamped copy would be e-mailed back to the person.
- The Commissioner would be allowed to grant extensions of time to file certain documents in lieu of waiting for Board approval. It is expected that the extensions could be granted the same day as the stipulation is filed.
- Clarifications in annual reporting requirements would be made so that the regulations better conform to our state law.

The second workshop that day would be on the subject of elections. Here the Board has no preconceived notion of what changes, if any, should be made with respect to the subject of representation elections. Rather, the Board would like input on a number of subjects. Included among these are: (1) the role of interest cards; (2) the providing of employee lists; (3) the determination of what constitutes majority support; (4) the procedure for elections and runoff elections; (5) challenges to recognition; (6) the paying of costs related to an election; (7) the means of showing majority support; and (8) any other subject related to elections.

It is hoped that after the workshop for the non-election issues that the Board would soon thereafter schedule a public hearing and adopt the regulations (as is or with changes) so that they could take effect in early 2015. With respect to the election issues, the Board will consider all comments received and then have further discussions on the topic, which may then culminate in a draft of regulations in the future, which would then result in additional regulation workshops. The notices for the two workshops and related materials may be viewed on our website. The notices were also mailed today!

In the Queue...

Once initial pleadings, including pre-hearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. Below is a description of the current queue:

On November 12 the Board will meet in Las Vegas and is scheduled to finish hearing A1-046091, Jarod Barto et al v. City of Las Vegas, a case involving a number of probationary firefighters who were non-confirmed over allegations of cheating on an exam. Then on November 13-14 the Board will hear A1-046109, Nicholas Eason v. Clark County, involving a firefighter who worked for the Clark County Fire Department.

On December 9-11 the Board will continue the hearing in the 18 consolidated cases involving various physicians at University Medical Center in their dispute with SEIU, Local 1107 and SEIU International.

On January 13-15 the Board will meet in Las Vegas and hear two cases: A1-046106, Michael Turner v. Clark County School District and A1-046108, Las Vegas City Employees Assoc. and Val Sharp v. City of Las Vegas.

On February 10-12 the Board will meet in Las Vegas and hear two consolidated cases, A1-046054 and A1-046080, involving the North Las Vegas Police Supervisors Association and the City of North Las Vegas.

Finally, on March 10-12 the Board will hear two more cases: A1-046111, Justin Simo v. Henderson Police Officers Association, and A1-046123, Nye County Law Enforcement Association v. Nye County.

The following cases are waiting for the Board to deliberate and decide on the status of the case, including, but not limited to, dismissal of the case or the granting of a hearing on the complaint. Please note that the order listed below is not necessarily the order in which the cases will be heard:

In Las Vegas:

- A1-046102, North Las Vegas Police Supv. v. City of North Las Vegas
- A1-046113, ESEA & POA of CCSD v. Clark County School District
- A1-046116, David O'Leary v. Las Vegas Metropolitan Police Department
- A1-046120, IAFF, Local 1908 v. Clark County

In Northern Nevada:

- A1-046068, Elko County Employees Association v. Elko County

Open Forum

In addition to the two regulations workshops to be held on December 3rd, that same afternoon the agency will be holding its second annual open forum. This is your opportunity to give input to us on how we can continue to improve the agency in the upcoming year. We are here to serve you and thus we want to hear from you. Any and all ideas are welcome. Today we are mailing you the notice of the meeting. Suggested topics include ideas to improve the handling of our caseload, suggested additions to the website, ways to make our information more accessible, and the improving of our mediator and fact-finder lists. By the end of this year we will make available on our website all the collective bargaining agreements (CBA's). Accordingly, we would also like your input as to whether the EMRB should be analyzing the CBA's and issuing reports on them for the use by our user community.

"About the EMRB"

The Employee-Management Relations Board (EMRB), a Division of the Department of Business and Industry, fosters the collective bargaining process between local governments and their employee organizations (i.e., unions), provides support in the process, and resolves disputes between local governments, employee organizations, and individual employees as they arise.